

REMARKS

Upon entry of the present Amendment the Claims under consideration are 1-20, 40-41 and 58-69. Claim 1 has been amended hereby to more particularly point out that the present invention is drawn to a web which would have separate crimping and bonding steps. The claim has further been clarified by stating that the steps are performed in order and the limitations of original clause d) were inserted into steps b) and c) to facilitate understanding of the claim. The present amendment is fully supported by, e.g., page 17, line 26 to page 18, line 32 of the specification. Claims 21-57 are withdrawn from consideration by the Examiner. New Claims 58-69 are added.

The Office Action of 18 January 2006 will now be addressed with reference to the headings and any paragraph numbers therein.

a) Claim Rejection Based on 35 U.S.C. § 112

Per paragraph 3 of the Office Action, Claims 2-6 are rejected under 35 U.S.C. §112, second paragraph, because Claim 2 appears to not further limit Claim 1, and thus is redundant. Claim 1 has been amended to remove the subject matter overlapping with Claim 2. It is therefore urged that the present rejection has been obviated.

b) 35 U.S.C. § 103 Rejection of Claims 1-8 and 12-20

Per paragraph 5 of the Office Action, Claims 1-8 and 12-20 stand rejected as obvious over U.S. Patent 5,302,220 (hereinafter "Terakawa") in view of one of U.S. Patent 5,622,772 (hereinafter "Stokes") or U.S. Publication 2002/0089079 A1 (hereinafter "Shelley") and "optionally as evidence" from the teachings of U.S. Patent 5,679,042 (hereinafter "Varona").

The present invention teaches and claims that no more than a non-functional bonding of the fibers occurs during the crimping step (See e.g., page 6, line 20, or page 18 of the specification for support). The ultimate bonding, which maintains the high loft of the nonwoven web, is performed in a subsequent step. By contrast, Terakawa heats to crimp and firmly bond the fibers in the same step, i.e., reaching a melting point of at least one polymer during the process. (Col. 3 lines 6-16). Thus, Terakawa does not teach a later bonding of its lofty web (as required by the present claims) because it is already bonded when crimped.

Also, there is no teaching in Terakawa of fiber deposition without heat as required by Claim 1, part a). Furthermore, none of the Stokes, Varona, or Shelley

references disclose this limitation of the present invention, nor would the references direct the person having ordinary skill in the art to the present invention as a whole

When the currently claimed methods of producing webs by specific steps are considered as a whole, and not as a series of limitations drawn to a material, it is apparent that the cited references do not teach or suggest the present invention. No *prima facie* teachings from the art itself can be cited to show obviousness. It is therefore respectfully requested that the present rejection of Claims 1-8 and 12-20 be withdrawn.

c) 35 U.S.C. § 103 Rejection of Claims 9-13, 16 and 19

The rejection of Claims 9-13, 16 and 19 under 35 U.S.C. § 103(a) as obvious over the references discussed above, further in view of U.S. Patent 6,072,005 (“Kobylyvker”) is respectfully traversed. These claims depend from Claim 1 and are patentable for at least the same reasons, explained above. Neither the foregoing references nor Kobylyvker discloses or suggests a method for producing a high loft, low density nonwoven web which includes separate steps of a) forming crimpable fibers, and depositing them without addition of heat, b) heating the fibers to cause no more than a non-functional bonding of the fibers, c) cooling the fibers to cause crimping, and d) bonding the crimped fibers of the high loft, low density nonwoven web to maintain its high loft. Therefore, the combined references do not disclose or suggest the limitations of Claims 9-13, 16 or 19. This rejection should be withdrawn.

d) 35 U.S.C. § 103 Rejection of Claims 1-20

Per paragraph 6 of the Office Action, Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Publication 2003/0118816 A1 (hereinafter “Polanco”) in view of one of Stokes or Shelley. This rejection is respectfully traversed.

Each of Claims 2-20 depends from Claim 1 and incorporates all limitations thereof. None of the references discloses or suggests a method for producing a high loft, low density nonwoven web which includes separate steps of a) forming crimpable fibers, and depositing them without adding heat, b) heating the fibers to cause no more than non-functional bonding, c) cooling the fibers to cause crimping, and d) bonding the crimped fibers. The Examiner contends that pattern bonding a nonwoven web containing crimped fibers is well known in the art. While this may be true *per se*, it is not the claimed invention. What is claimed is a method of producing a lofty web, in a certain order of defined steps, with the addition of particular substrates to said produced web. As none of

the cited references teach or suggest the presently claimed steps in the order stated, it is respectfully requested that the present rejections be withdrawn.

e) Double Patenting

Per paragraph 8, Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent Application 10/938,294 (published as U.S. 2005/0098256) in view of either Stokes or Shelley.

Applicants respectfully traverse on the grounds that no suggestion or motivation exists for combining the several references in order to achieve an obviousness-type double patenting rejection. Per MPEP §804 the basis of the doctrine is preventing the unjustified extension of the monopoly rights by prohibiting claims in a second patent not patentably distinguishing from claims in a first patent (singular). The Examiner appears to be attempting to make an ordinary §103 rejection combining several references. However, the Examiner is only entitled to rely on the claims of the primary reference, and the claims provide no motivation to combine.

Furthermore, the combined references do not disclose or suggest heating the fibers to cause no more than a non-functional bonding of the fibers, then cooling the fibers to cause crimping, then bonding the crimped fibers of the high loft, low density nonwoven web to maintain its high loft. This rejection should be withdrawn.

f) Conclusion

If the present invention is properly viewed as a whole, the references do not provide a suggestion of combinability to arrive at the methods of the claims as presently amended. Furthermore, some independent claim limitations are not disclosed in any reference. Therefore, a *prima facie* case of obviousness cannot be made from the cited references and the present rejections should be withdrawn.

For all the foregoing reasons, the claims as presently amended are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

g) Request For Telephonic Interview

Applicant intends to be fully responsive to the Office Action. The Examiner is requested to call Applicants' attorney (per the provisions of M.P.E.P. §713) to discuss any concerns of the Office or to suggest solutions in defining the present invention in order to expedite the case towards allowance.

Favorable consideration is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maxwell J. Petersen". The signature is fluid and cursive, with the first name "Maxwell" being more prominent.

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